

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALLEN GREENFIELD,

Plaintiffs,

CASE NO. 04-71086

vs.

SEARS, ROEBUCK AND CO.,

PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Defendant

AMENDED ORDER (a) BIFURCATING TRIAL;
(b) HOLDING IN ABEYANCE “DEFENDANT’S MOTION *IN LIMINE* TO: (1) CUT-OFF PLAINTIFF’S DAMAGES AS OF SEPTEMBER 1, 2002; AND (2) TO PRECLUDE ARGUMENT AND EVIDENCE REGARDING DAMAGES AFTER SEPTEMBER 1, 2002”; AND
(c) HOLDING IN ABEYANCE “PLAINTIFF’S MOTION *IN LIMINE* TO EXCLUDE ANY TESTIMONY ABOUT OR REFERENCE TO PLAINTIFF’S USE OF THE DEFENDANT’S RELOCATION POLICY AND HIS APPLICATION FOR WORKERS’ COMPENSATION BENEFITS UNDER OHIO LAW”

IT IS HEREBY ORDERED that the Court will bifurcate the trial, to first try the question of fault on the part of Defendant, and after that verdict, if in Plaintiff’s favor, consider allowing the testimony on the issue of damages. *See Saxon v. Titan-C-Manufacturing, Inc.*, 86 F.3d 553 (6th Cir. 1996) (“A district court may bifurcate a trial ‘in furtherance of convenience or to avoid prejudice, or when separate trials will be conducive to expedition and economy.’ . . . [A] court may bifurcate a trial on its own motion.”).

IT IS FURTHER ORDERED that the Court HOLDS IN ABEYANCE (a) “Defendant’s Motions *In Limine* to: (1) Cut-Off Plaintiff’s Damages as of September 1, 2002; and (2) to Preclude Argument and Evidence Regarding Damages after September 1, 2002”; and (b) “Plaintiff Motion *In Limine* to Exclude any Testimony About or Reference to Plaintiff’s use of the Defendant’s Relocation Policy and his Application for Workers’ Compensation Benefits

under Ohio Law,” pending a verdict as to Defendant’s culpability.

s/Paul D. Borman
PAUL D. BORMAN
UNITED STATES DISTRICT JUDGE

Dated: September 5, 2006

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on September 5, 2006.

s/Denise Goodine
Case Manager